

§Appl. No. 10/719,084
Amdt. dated October 3, 2005
Reply to Office Action of, July 5, 2005

REMARKS/ARGUMENTS

Claims 1-20 remain in this application for examination. Applicants express their sincere appreciation for the indication of allowable subject matter in claims 4 and 7-10, however Applicants respectfully submit that the claimed invention patentably extinguishes over Aoki '236 which was used in the Office Action to reject Applicants' claims 1-3, 5 and 6 under 35 U.S.C. §102 and claims 11-16 under 35 U.S.C. §103.

Claim Rejection Under 35 U.S.C. §112, second paragraph:

In claim 1, the term "removeable anchor" has been amended to "movable anchor."

Claim Rejections Under 35 U.S.C. §102:

Claims 1-3 and 5-6 have been rejected under 35 U.S.C. §102(b) as anticipated by Aoki '236. Applicant respectfully traverses this rejection.

Considering Aoki '236 generally, Aoki is directed to "an occupant sensor for detecting the constitution of the occupant sitting on a seat" (emphasis supplied), (see column 1, lines 43-45). In Applicants' claimed invention, Applicants detect whether a child seat is attached to a vehicle seat by using a movable anchor which is adapted to be fixed to the vehicle seat. Applicants' claimed anchor does not detect whether a seat belt is fastened or whether there is an occupant in a child seat.

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This is not a distinction without a difference because in Applicants' claimed invention there is no need to detect "the constitution of the occupant sitting on a seat," rather the only phenomenon detected is the presence of a child restraint seat. By utilizing Applicants' approach, the complexity set forth in Aoki '236 is avoided. There is no need for the "occupant estimating unit" shown in Fig. 3 of Aoki '236 which includes such "portions" as a weight estimating portion, an anti-shadowing portion, an occupant conditioning estimating portion and a failure detecting portion, all of which are necessary when using an occupant restraint system such as that disclosed in Aoki '236. Note in Aoki '236 that the restraint system shown in Fig. 1a-1c has child restraint seats (4), (6) and (8), which are retained by a lap seat belt (2a). In Figs. 1a and 1c, the tension switch (3) is latched to the seat belt (2a) by a tongue plate 13 (see Fig. 2a). It is evident from Fig. 2a that the tension switches (3) of Aoki '236 serve as anchors which attach a lap seat belt (2) to a vehicle floor, but do not attach a child seat to a seat.

In Applicants' claimed invention, deployment of an air bag is either disenabled or reduced in speed by a switch (52) activated by the movable anchor when the child seat is retained on the vehicle seat with the couplings (34) and/or (35) that are coupled to the anchors (25) and (26). Upon attaching the child seat and tensioning or otherwise adjusting the straps (31) or (32), the movable anchors shift against the bias of the coil springs (94) and (95) to a second position. Upon at least one of the anchors shifting to the second position, the switch (52) indicates to the air bag control (56) the presence of a child seat. The air bag is disenabled or its deployment speed reduced independently of

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a child occupying the seat. Clearly, Applicants' claimed invention is substantially different from the teachings of Aoki '236. In Aoki '236 the child restraint seat anchor does not detect independently of the presence of a seat belt occupant, a seat belt or a seat belt anchor, whether a child restraint seat is anchored in a vehicle. Moreover, in Aoki '236 the housing (3) is not fixed to a vehicle seat, but is rather fixed to the floor of the vehicle. In addition, the movable anchor (12) of Aoki is not independent of the seat belt as well as the occupant, which is in the case in Applicants' claimed invention by virtue of the only anchoring arrangement being the coupling of the seat anchor with the child seat. Nor is the spring gage (15) of Aoki '236, which the Examiner corresponds to Applicants' claimed switch, operable independently of a seat occupant or seat belt.

Clearly, there are numerous limitations in Applicants' independent claim 1 and dependent claims 3, 5 and 6 that are not disclosed in Aoki '236. Since a rejection under 35 U.S.C. §102(b) requires that the reference teach every limitation claimed, it is respectfully requested that the rejection of claims 3, 5 and 6 be withdrawn.

Claim Rejections Under 35 U.S.C. §103:

Claims 11-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aoki '236. Applicants respectfully traverse this rejection. As with independent claim 1, independent claim 11 has a similar limitation requirement that the pair of child restraint seat anchors are positioned in

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“spaced relation to one another on the frame of the seat back.” Thus, Applicants’ claimed arrangement is independent of either seat belts or of seat belt anchors.

Aoki ‘236 requires the use of a seat belt (2a), as well as the presence of a seat occupant (5), (7) or (9) in order for the occupant restraint system of Aoki ‘236 to operate, whereas Applicants require only the presence of a seat (20) which is not attached to a seat belt, but rather to a seat frame (24). Accordingly, it is respectfully submitted that *prima facie* case of obviousness is not established by Aoki ‘236. In Aoki ‘236, there is no suggestion of or motivation to provide Applicants’ concept of anchoring an empty child seat only to the vehicle seat in order to disenable an airbag system. This is clearly established by the illustrations and accompanying descriptions of Figs. 1a-1d of Aoki ‘236 that show child seats 4, 6 and 8 with children therein secured by seat belts 2a that are anchored to vehicle floors.

In independent claim 11, each of Applicants’ claimed switches (52) is operable independent of the presence of a seat occupant. This is clearly not the case with the spring gauge (15) of Aoki ‘263. There is no suggestion in Aoki ‘263 of this concept and no motivation in Aoki ‘263 to disenable an airbag upon mounting on and attaching an empty child seat to a vehicle seat. Rather, Aoki’s entire disclosure is directed to detecting the “constitution”, i.e., weight, of seat occupants. In Figs 4a and 4b of Aoki ‘263 no child seat is necessary to practice the invention of Aoki ‘263, further indicating that the presence of a child seat is not a necessary phenomenon in the disclosure of Aoki ‘263. Clearly, claims 11-16 are unobvious in view of Aoki ‘263.

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Dependent claims 12-16, 17 and 20, further limit claim 11 and are unobvious for the same reasons as claim 11. Accordingly, it is respectfully requested that the rejection claims 11-16, 17 and 20 under 35 U.S.C. §103(a) be withdrawn.

New Claims 17-20:

New claims 17 and 18 recite that Applicants' claimed switch is only an "on" and "off" switch, while new claims 19 and 20 recite that the child seat anchor claimed by Applicants' independent of seat belts or seat belt anchors, a concept inherent in Applicants disclosure in that seat belts are neither illustrated nor discussed by Applicants.

In that this is a full and complete response to the Office Action of July 5, 2005, it is respectfully requested that this application be allowed and passed to issue. If the Examiner for any reason feels a personal conference with Applicants' attorneys might expedite prosecution of this application, the Examiner is respectfully requested to telephone the undersigned.

Respectfully submitted,

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